1	HONORABLE RONALD B. LEIGHTON
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6	UNITED STATES DISTRICT COURT
7	WESTERN DISTRICT OF WASHINGTON AT TACOMA
8	ROBERT SMITH et al., CASE NO. C14-5974 RBL-JRC
9	Plaintiffs, ORDER
10	V.
11	WASHINGTON STATE et al.,
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13	Defendants.
14	THIS MATTER is before the Court on Magistrate Judge Creatura's Report and
15	Recommendation [Dkt. #71] on Defendants' Motion to Dismiss [Dkt. #64]. Both parties objected
16	to the Report.
17	It is hereby ORDERED:
18	1. The Report and Recommendation [Dkt. #71] is ADOPTED;
19	2. Defendants' Motion to Dismiss [Dkt. #64] Plaintiffs' claim of unreasonable exposure
20	to Environmental Tobacco Smoke against Defendants Quigley, Clayton, Strong,
21	Dubble, Steinbach, Sziebert, Harris, and McCabe is DENIED.
22	3. Defendants' Motion to Dismiss [Dkt. #64] Plaintiffs' claim of unreasonable exposure
23	to Environmental Tobacco Smoke against Defendants Ferguson, Gregoire, Coryell,
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1	John Doe, and Jane Doe is GRANTED, and Plaintiff's claims against these
2	Defendants are DISMISSED WITH PREJUDICE;
3	4. Defendants' Motion to Dismiss [Dkt. #64] Plaintiffs' claims of violations of their
4	right to access the courts and right to a grievance process is GRANTED. These
5	claims are DISMISSED WITH PREJUDICE.
6	The Clerk shall direct copes of this Order to all counsel and to Magistrate Judge Creatura.
7	IT IS SO ORDERED.
8	Dated this 17 <sup>th</sup> day of December, 2015.
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10	Ronald B. Leighton
11	United States District Judge
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